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File No. O. War Injuries

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Legal **DEPARTMENT**

"A" **BRANCH**

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Mr. Law Secretary.

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Office of the Minister.

Under clause 2(2) (c) (ii) of the War Injuries Scheme, 1942, "injury for which relief may be given on the higher scale" means a war injury sustained by a gainfully occupied or other person compelled by Government order to be present in the locality where (and at the time when) such injury was sustained. "Gainfully occupied person" as defined in sub-section (4) of section 2 of the War Injuries Ordinance, 1941 means a person who is engaged in any trade, business profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed is normally so engaged and dependent. An honorary member of the staff of the J.J. Group of Hospitals is a practising doctor and consequently though he does not receive any substantial remuneration for his work as honorary doctor he is as a practising doctor a gainfully occupied person. An honorary member of the staff of the J.J. Group of Hospitals, would, if compelled by Government to be present in the hospital during an air-raid, be entitled to relief on the higher scale for the war injury sustained by him.

The view taken by L.D.(Spls.) A.H.P.(1) at p. 36 ante is correct. It does not appear necessary to notify honorary members of the staff of the J.J. Group of Hospitals under clause 4 (c) of the War Injuries Scheme, 1942.

sd/- [illegible]
Remembrancer of Legal Affairs.

Copy to A.D. (S.L.), A.H.P. No. 3.24 dated the 6th April, 1942.

Mrr. 5/5. c/4

Office of the H.L.A.

"Rescue Service" is a "civil defence organisation" for purposes of the War Injuries Ordinance, 1941, and the War Injuries Scheme, 1942. (See item (f), in clause 1 of schedule I to the War ~~Emp~~ Injuries Scheme, 1942). Members of Rescue Service would, it is presumed, be "Civil Defence Volunteers" within the meaning of section 8(2) of the War Injuries Ordinance. Accordingly they would be entitled to relief for war injuries and War Service injuries under the War Injuries Scheme and the Workmen's Compensation Act, 1923, would not be applicable. (see section 4(1), (a) of the War Injuries Ordinance).

sd/- P.M.M

Remembrancer of Legal Affairs.

U.O. to H.D. (Police) - A. R. P., No. 5662, dated the 11th July 1942.

Madhav, Meokadam.
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Office of the R.L.A.

The question for the consideration of the R.L.A. is whether the Controllers appointed under section 3(1) of the Railways Air Raid Precautions Services Ordinance, 1942, can be empowered by the Bombay Government under sub-sections (2) and (7) of section 2 of the war Injuries Ordinance, 1941.

2. Sub-section(2) of section 2 of the War Injuries Ordinance, 1941 defines "civil defence volunteer" in relation to an injury, as a person certified by an officer of a civil defence organization authorised by the Central Government to grant such certificates, to have been a member of that organization at the time the injury was sustained. "War service injury" in relation to a civil defence volunteer as defined in sub-section(7) means any physical injury shown to the satisfaction of the Central Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the Civil defence organisation to which he belonged at the time the injury was sustained etc. "Civil defence organization" as defined in sub-section(1) means an organization established for the civil defence purposes which is declared by a scheme to be a civil defence organization for the purposes of this ordinance and the scheme. No doubt the powers of the Central Government under sub-sections(2) and (7) of section 2 have been delegated to the Provincial Governments. But before authorising a person under sub-sections (2) and (7) what is necessary to determine is whether the organisation

established for civil purposes is declared by a scheme to be a civilian defence organization for the purposes of the War Injuries Ordinance, 1941 and the scheme.

3. Power to make schemes for relief in respect of war injuries and war services injuries vests in the Central Government under section 3 of the War Injuries Ordinance, 1941. In exercise of that power the Central Government has made the War Injuries Scheme, 1942. Clause 3 of the scheme that it is hereby declared that thex organizations of persons specified in Schedule I to this scheme are "civil defence organizations" for the purposes of the ordinance and this scheme. Para. 1 of the Schedule specifies organizations established by the Provincial Government while para.2 mentions those organisations which are recognised for the purposes of this Scheme by the Central or Provincial Government. Paras. 3 and 4 refer to Civil Pioneer Force and Civic Guards which are organised under seperate Ordinances. Railway Air Precautions Services are constituted by the Railway Administration under the Railway Air Raid Precautions Services Ordinance, 1942, and they have not been mentioned in the Schedule to the War Injuries Scheme, 1942. Consequently it would not be competent for the Bombay Government to empower under sub-sections (2, and (7) of section 3 of the War Injuries Ordinance, 1941, the Controllers appointed under section 3(1) of the Railways Air Raid Precautions Services Ordinance, 1942.

sd/- [illegible]
Remembrancer of Legal Affairs.

U. R. to H.D. (spl.) A. R.P. No. 6752 dated the 29th October, 1942.

5/3. C/4. Railway Department.